Cr.M.P.(M) Nos.277 & 278 of 2006:

16.5.2006. Present: M/s.Bhuvnesh Sharma, Ramakant Sharma & Rajesh Mandhotra, counsel for the petitioners.

Mr.J.S.Guleria, Law Officer for the respondent-State.

This order shall dispose of two petitions being Cr.M.P.(M) Nos.277 and 278 of 2006 as they arise out of the same FIR No.93 of 2006 registered under Sections 307, 342, 326, 324, 341 IPC at Police Station, Palampur, District Kangra.

The case of the prosecution, in brief, is that the complainant Vinod Goswami who is a Vice-President of Gram Panchayat, Lamlehare lodged a complaint with the police that on 21.4.2006 when he was at his house at about 6 a.m. the accused Gaurav came to his house and asked him to come out since somebody had come to meet him. He accompanied Gaurav to a Maruti van No.HP-01D-0558. Petitioner Vinod Kumar was sitting in the Maruti van. The complainant moved ahead to shake hands with Vinod Kumar. Then Gaurav kicked him from behind and forcibly pushed him into the Maruti Van. First these two accused beat the complainant with kicks and fist blows. Thereafter, Gaurav took out one sickle and hit him on the head with the same. Vinod Kumar kept beating him at the same time. In the original report there was no mention of Sandeep Kumar but later on it appears that Sandeep Kumar's name was also added as accused.

Cr.M.P.(M) No.277 of 2006 has been filed by Sandeep Kumar and Cr.M.P.(M) No.278 of 2006 has been filed by Gaurav Minhas and Vinod Kumar. With the application filed by Sandeep Kumar an affidavit of Vinod Goswami, complainant has also been attached in which affidavit sworn before the Notary Public it is stated that Sandeep Kumar had

only taken the complainant to the Hospital and had not beaten him up and that he was attacked only by Vinod Kumar and Gaurav Minhas.

I have gone through the entire record and heard learned counsel for the parties. As far as Sandeep Kumar is concerned in view of the affidavit of the complainant it cannot be said that he is directly involved in the offence and as such his application for grant of anticipatory bail is allowed and it is ordered that in the event of his arrest he shall be enlarged on bail on his furnishing bail bonds in the sum of Rs.10,000/- with one surety in the like amount. This bail is granted subject to the conditions that the petitioner shall join the investigation as and when required to do so by a written hukamnama. He shall not tamper the prosecution evidence or hamper the investigation of the case in any manner or delay the trial of the case.

As far as accused Vinod Kumar and Gaurav Minhas are concerned, in my opinion, no ground is made out for grant of anticipatory bail to them. They are prima-facie involved in the serious offence and their custodial interrogation is necessary. They have been directly and clearly identified by the complainant in his complaint. It has also been brought to my notice that Gaurav Minhas is also accused in a number of other serious offences in the area. From the record it is obvious that there are number of criminal cases pending against Gaurav Minhas. The application for grant of anticipatory bail on their behalf is therefore rejected.

In view of the above discussion, Cr.M.P.(M) No.277 of 2006 is allowed and Cr.M.P.(M) No.278 of 2006 is dismissed. **Dasti copy.**

May 16, 2006. **(Deepak Gupta),**
PV **Judge**

Cr.M.P.(M) No. 278 of 2006:

16.5.2006. Present:Mr. Rajesh Mandhotra, counsel for the petitioners.

Mr.J.S.Guleria, Law Officer for the respondent-State.

For order, see order of date passed in **Cr.M.P.(M) No.277 of 2006 titled Sandeep Kumar vs. State of H.P.**

May 16, 2006. **(Deepak Gupta),**
PV **Judge**